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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/582,253 06/22/00 RICHARDSON

C ULT4084P0160

EXAMINER

PM82/0620

ROCKEY MILNAMOW & KATZ
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE SUITE 4700
CHICAGO IL 60601

DELUCA, J

ART UNIT

PAPER NUMBER

3632

DATE MAILED:

06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/582,253

Applicant(s)

RICHARDSON

Examiner

Jerome A. DeLuca

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "to a limited extent" in claim 13, line 3 is a relative term which renders the claim indefinite. The term "to a limited extent" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. This ambiguity is also found in claim 19, line 2 and claim 20, line 2. Correction is required.

The "arms of the first...part" limitation of claim 16, lines 1-2 lack antecedent basis when dependent on claim 13.

In claim 17, line 1, it is unclear which arm is being referenced. It will be assumed that this term refers to both arms of the one part. It is suggested that the term 'the arm' be changed to 'the arms' to resolve the ambiguity.

In claim 18, line 2, it is unclear whether the channels are located in the arms of the one part or the other part as defined by the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaysing (US 2,915,267).

Kaysing shows a connecting device suitable for attaching a pipe to a surface comprising a first part 1 fixable to a surface and a second part slidably attachable to the first part in the direction of the pipe and forming an enclosure for the pipe, the first and second parts having cooperating formations allowing selectively adjustable attachment and spacing. The first and second parts are U-shaped with interchangeable arms. One part has spaced teeth formed within channels in the inner surface of the arms engageable with corresponding teeth on the outer surfaces of the arms of the other part. The U-shaped design prevents the parts from slipping past one another in the vertical direction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weak (US 4,214,351)

Backlund et al. (US 4,407,477)

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Starace (US 4,340,996)

Dom Holdings Ltd. (FR 1,559,036)


Hilti AG (FR 2,348,423)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome A. DeLuca whose telephone number is (703) 308-3271.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JAD

June 17, 2001


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 3553632